

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
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NASHVILLE, TENNESSEE 37243-0485

June 26, 1990

OPINION NO. U90-104

RECEIVED

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COMPTROLLER OF THE
TREASURY

Boundaries, Consolidation and Exclusivity of Emergency
Communications Districts

QUESTIONS

1. Whether the area encompassed by a district is an exclusive service area. In other words, if a district has been created by a municipality, is the county then limited to the creation of a district which excludes all territory contained in the municipally created district?

2. Whether the district established by a county may include territory beyond the boundaries of the county but within the boundaries of a municipality, the majority of which is located in the county creating the district. For Anderson County, two municipalities, Oak Ridge and Oliver Springs have municipal boundaries which extend beyond the boundaries of the county.

3. Whether the statute contains or envisions any process for the merger or consolidation of two districts beyond the broad grant of power to consolidate found in Article XI, Section 9, of the Tennessee Constitution.

OPINIONS

1. It is the opinion of this Office that such districts are exclusive service areas.

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2. A district established by a county may not extend beyond the county's boundaries.

3. The Emergency Communications District Law does not contain such a process. The Interlocal Cooperation Act, however, may be utilized.

ANALYSIS

1. The fundamental rule of statutory construction is to ascertain and give effect to the intention of the legislature. Worrall v. Kroger Co., 545 S.W.2d 736 (Tenn. 1977). A statute should be viewed as a whole and in light of its general purpose. City of Lenoir City v. State ex rel City of Loudon, 571 S.W.2d 297 (Tenn. 1978). The Emergency Communications District Law, T.C.A. § 7-86-101 et seq., contains an explicit statement of intent:


The general assembly finds and declares that the establishment of a uniform emergency number to shorten the time required for a citizen to request and receive emergency aid is a matter of public concern and interest. The general assembly finds and declares that the establishment of the number 911 as the primary emergency telephone number will provide a single, primary, three-digit emergency telephone number through which emergency service can be quickly and efficiently obtained and will make a significant contribution to law enforcement and other public service efforts requiring quick notification of public service personnel. It is the intent to provide a simplified means of securing emergency services which will result in saving of life, a reduction in the destruction of property, quicker apprehension of criminals and ultimately the saving of money.

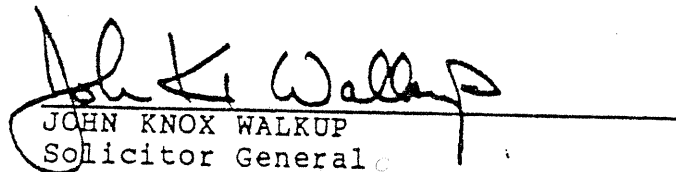
T.C.A. § 7-86-102. Having two emergency communications districts serve the same area would appear to be inconsistent with the intention of the Legislature. Therefore, it is the opinion of this Office that each district is an exclusive service area. It should be noted, however, that two districts could enter into a mutual agreement regarding these services pursuant to the Interlocal Cooperation Act, T.C.A. § 12-9-101


et seq. See Op. Tenn. Atty. Gen. U87-128 (December 17, 1987)
(attached).

2. This Office has previously opined that "the Emergency Communications District Law envisions such a district as being within the boundaries of a municipality or county." Op. Tenn. Atty. Gen. U87-128 (December 17, 1987). This Office continues to adhere to this view.

3. The Emergency Communications District Law does not address any process for merger or consolidation of districts. As previously noted, the Interlocal Cooperation Act may be utilized to accomplish the same purpose.


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